



Protecting Dark Skies in the Nidderdale Area of Outstanding Natural Beauty



Strategic Environmental Assessment Screening
February 2023

Protecting Dark Skies in Nidderdale AONB SEA Screening Statement

Introduction

- 1.1** The purpose of this report is to determine whether or not the contents of the *Protecting Dark Skies in Nidderdale AONB Supplementary Planning Document* (SPD) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004, as amended by The Environmental Assessments and Miscellaneous Planning (Amendment)(EU Exit) Regulations 2018 (the SEA Regs).

Legislative Background

- 1.2** In addition, Paragraph: 008 of the Planning Guidance Reference ID: 11-008-20140306 has been considered. This states that supplementary planning documents may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies. This screening statement considers the impacts which are not already assessed within the Harrogate District Local Plan Sustainability Appraisal 2018 and the Sustainability Appraisal Addendum 3 Main Modifications July 2019.

Purpose of the SPD

- 1.3** The SPD seeks to provide detailed guidance to support Policy GS6: Nidderdale AONB in the Local Plan adopted 4 March 2020 (adopted for new settlement policies 9 December 2020). The guidance supports the implementation of the policy and expands on that provided in the National Planning Policy Guidance (NPPG) and the reasoned justification to Policy GS6. The SPD seeks to provide;
- Information on dark skies and light pollution
 - Detail of the three darkness zones in the AONB
 - Practical advice about the design of lighting schemes and the choice of appropriate lighting technology

Screening Process

- 1.4** The screening opinion assessment is undertaken in two parts: the first will assess whether the SPD requires SEA and the second part of the assessment will consider whether the SPD is likely to have a significant effect on the environment, using criteria drawn from Schedule 1 of the SEA Regulations.

The Environmental Assessment of Plans and Programmes Regulations 2004

- 2.1** The Environmental Assessment of Plans and Programmes Regulations 2004 came into force on 20th July 2004.

Environmental Regulations Paragraph	Comments
<p>Interpretation</p> <p>2.(1)</p> <p>[...]</p>	<p>Yes</p> <p>The SPD is subject to preparation and adoption at local level. Whilst the SPD is not a requirement and is optional under the provisions of the Town and Country Planning Act it will, if</p>

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Environmental Regulations Paragraph	Comments
<p>"plans and programmes" means plans and programmes, including those co-financed by the European Community, as well as any modifications to them, which—</p> <p>'plans and programmes' which</p> <p>(a) are subject to preparation and adoption by an authority at national, regional or local level;</p> <p>(b) are prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and, in either case,</p> <p>(c) are required by legislative, regulatory or administrative provisions</p>	<p>adopted, supplement the development plan and be a material consideration in the assessment of planning applications.</p>
<p>Environmental assessment for plans and programmes; first formal preparatory act on or after 21st July 2004</p> <p>5.(2) The description is a plan or programme which—</p> <p>(a) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and</p> <p>(b) sets the framework for future development consent of projects listed in Annex I or II Directive 2011/92/EU(4) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment.</p>	<p>Yes</p> <p>The SPD is prepared for town and country planning purposes. It supplements the planning policy framework of the Harrogate District Local Plan, by providing detailed guidance as to how these policies are interpreted for future consent of projects listed in Schedule II of Directive 2011/92/EU(4).</p>
<p>(3) The description is a plan or programme which, in view of the likely effect on sites, has been determined to require an assessment pursuant to any law that implemented Article 6 or 7 of the Habitats Directive.</p>	<p>No</p> <p>The SPD is not likely to effect sites and has been determined not to require an assessment pursuant to any law that implemented Article 6 or 7 of the Habitats Directive.</p> <p>Habitat Regulations Assessment is not required. The Habitat Regulation Assessment for the Harrogate District Local Plan concluded that Policy HS9 would not cause a negative effect alone or in combination with other plans. The SPD does not provide any guidance which alters the impact of GS6 on designated sites. The adopted Harrogate District Local Plan 2014-2035</p>

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Environmental Regulations Paragraph	Comments
	has been subject to Habitat Regulation Assessment and other appropriate assessment, please www.harrogate.gov.uk/localplan
<p>(6) An environmental assessment need not be carried out—</p> <p>(a) for a plan or programme of the description set out in paragraph (2) or (3) which determines the use of a small area at local level, or</p> <p>(b) for a minor modification to a plan or programme of the description set out in either of those paragraphs,</p>	<p>Yes</p> <p>The SPD provides further detail on the implementation of one policy within the adopted Harrogate District Local Plan 2014-2035, specifically Policy GS6: Nidderdale AONB.</p>
<p>Determinations of the responsible authority</p> <p>9.—(1) The responsible authority shall determine whether or not a plan, programme or modification of a description referred to in—</p> <p>(a) paragraph (4)(a) and (b) of regulation 5;</p> <p>(b) paragraph (6)(a) of that regulation; or</p> <p>(c) paragraph (6)(b) of that regulation,</p> <p>is likely to have significant environmental effects.</p> <p>(2) Before making a determination under paragraph (1) the responsible authority shall—</p> <p>(a) take into account the criteria specified in Schedule 1 to these Regulations; and</p> <p>(b) consult the consultation bodies.</p>	<p>This SEA screening has been prepared using the criteria specified in Schedule 1 as presented in the following table.</p>

Table 2.1

Schedule 1 Environmental Assessment of Plans and Programmes Regulations 2004

SEA Requirement	Comments
1. The characteristics of plans and programmes, having regard, in particular, to -	

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SEA Requirement	Comments
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The SPD has a minor role in setting the framework for projects. While the SPD forms a material consideration in decisions on planning applications. It has no influence on the location or volume of projects nor does it allocate resources.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD does not create new policies but will support the policies in the adopted Local Plan. Other plans and programmes will likely outlive the SPD and during their preparation will be steered by national legislation and policy.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The purpose of the SPD is to provides guidance to support the Policy GS6 of the adopted Local Plan. The Local Plan SA/SEA assessed Policy GS6. The purpose of this SPD is to ensure these beneficial impacts of that policy are delivered and maintained.
(d) environmental problems relevant to the plan or programme; and	There are no environmental problems relevant to this SPD.
(e) the relevance of the plan or programme for the implementation of retained EU law on the environment (for example, plans and programmes linked to waste management or water protection).	The SPD has no relevance to the implementation of retained EU law.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—	
(a) the probability, duration, frequency and reversibility of the effects;	The SPD is not allocating sites for development. The SPD is to provide guidance for the application and implementation of the policies in the adopted Local Plan and is not expected to give rise to any significant environmental effects.
(b) the cumulative nature of the effects;	The SPD is not considered to have any significant cumulative effects. As the document provides further guidance to adopted local plan policies, but does not set policies itself, it cannot contribute to cumulative impacts in combination with the Local Plan.
(c) the transboundary nature of the effects;	There are no transboundary effects as this SPD relates to the Harrogate District only (specifically the Nidderdale AONB). Any potential significant transboundary environmental effects

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SEA Requirement	Comments
	have already been assessed as part of the local plan's sustainability appraisal, the Habitat Regulations Assessment and the plan's examination process.
(d) the risks to human health or the environment (for example, due to accidents);	The SPD poses no risk to human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The SPD relates to Harrogate District only (specifically the Nidderdale AONB).
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	The SPD relates to Harrogate District only (specifically the Nidderdale AONB); there are a number of nationally designated nature conservation sites, designated and non-designated heritage assets (listed buildings and conservation area etc.). As no development is proposed via the SPD, none of these are likely to be affected by the SPD and this would be addressed through a planning application, specific to the proposal.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The Harrogate District has areas of landscape recognised at national and international level, development schemes will be considered in accordance with the Local Plan which seeks to avoid impacts on these areas. As the SPD seeks to provide guidance and support to Local Plan Policy GS6 in relation to Nidderdale AONB it is considered that the landscape is not likely to be affected by the SPD. All schemes would be addressed through a planning application, specific to the proposal.

Table 2.2

Conclusion

- 3.1** The assessment above identifies that the SPD will provide guidance to support Policy GS6: Nidderdale AONB of the Harrogate Local Plan and it is therefore concluded that the SPD is not likely to have significant environmental effects.

